

JENNER & BLOCK LLP
Richard Levin
Carl Wedoff
1155 Avenue of the Americas
New York, NY 10036
(212) 891-1600

Vincent E. Lazar
353 N. Clark Street
Chicago, IL 60654
(312) 222-9350

Counsel for Defendant Banque Syz & Co., SA

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,
v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,
Defendant.

Adv. Proc. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re

BERNARD L. MADOFF,
Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,
v.

BANQUE SYZ & CO., SA,
Defendant.

Adv. Proc. No. 11-02149 (CGM)

**STIPULATION AND [PROPOSED]
ORDER EXTENDING
DEFENDANT'S TIME TO APPEAL**

This Stipulation and Order is entered into by and between Plaintiff Irving H. Picard, as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC and the Chapter 7 Estate of Bernard L. Madoff (the “**Trustee**”), and Defendant Banque Syz & Co. SA (“**Banque Syz**”), through their respective undersigned counsel.

RECITALS

A. On January 28, 2022, Banque Syz filed its *Motion to Dismiss the Complaint* in this Adversary Proceeding, No. 11-02149(CGM) [ECF No. 149].

B. On June 13, 2022, following briefing by the parties and oral argument, this Court issued its *Memorandum Decision Denying Defendant’s Motion to Dismiss* [ECF No. 122].

C. On June 27, 2022, based on the Memorandum Decision, this Court entered its *Order Denying Banque Syz & Co. SA’s Motion to Dismiss the Complaint under Bankruptcy Rule 7012(b) and Federal Rule of Civil Procedure 12(b)(2) and 12(b)(6)* [ECF No. 168] (the “**June 27, 2022 Order**”).

D. Under Bankruptcy Rule 8002(a)(1), the last day on which to file a notice of appeal from the June 27, 2022 Order is 14 days after entry of the order, *i.e.*, on July 11, 2022.

E. Banque Syz seeks an extension of time to file such notice of appeal in order to consider whether to appeal and on what grounds, and if so, to prepare the required papers for a motion for leave to appeal.

F. Under Bankruptcy Rule 8002(d)(1), the Bankruptcy Court may extend the time to file a notice of appeal upon a party’s motion that is filed within the time prescribed by Rule 8002, *i.e.*, by July 11, 2022. Bankruptcy Rule 8002(d)(3) permits such an extension to 21 days after the time prescribed by Bankruptcy Rule 8002(a)(1), *i.e.*, to August 1, 2022.

G. No previous motion for an extension of time to file such notice of appeal has been made.

H. The Trustee consents to Banque Syz's request to extend its time to appeal to August 1, 2022.

IT IS THEREFORE STIPULATED THAT:

1. For purposes of Bankruptcy Rule 8002(d), this Stipulation and Order shall be deemed a motion by Banque Syz for extension of time for filing (a) a notice of appeal of the June 27, 2022 Order and (b) a motion for leave to appeal in accordance with Bankruptcy Rules 8002(a)(1) and 8004(a) (collectively, the "**Required Filings**"), through and including August 1, 2022 (the "**Extended Filing Deadline**").

2. The Trustee consents to Banque Syz's motion, and this Court hereby grants it pursuant to Bankruptcy Rule 8004(d).

3. Accordingly, if Banque Syz wishes to appeal the June 27, 2022 Order, Banque Syz shall make the Required Filings by the Extended Filing Deadline.

[Signature page follows]

Dated: New York, New York
June 29, 2022

s/ Nicholas J. Cremona

David J. Sheehan
(dsheehan@bakerlaw.com)
Nicholas J. Cremona
(ncremona@bakerlaw.com)
Robyn M. Feldstein
(rfeldstein@bakerlaw.com)
Alexa T. Bordner
(abordner@bakerlaw.com)
Jessica A. Huse
(jhuse@bakerlaw.com)
BAKER & HOSTETLER LLP
45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff
Investment Securities LLC and the
Chapter 7 Estate of Bernard L. Madoff*

s/ Richard Levin

JENNER & BLOCK LLP
Richard Levin
Carl Wedoff
1155 Avenue of the Americas
New York, NY 10036
(212) 891-1600
rlevin@jenner.com
cwedoff@jenner.com

Vincent E. Lazar
353 N. Clark Street
Chicago, IL 60654
(312) 222-9350
vlazar@jenner.com

*Counsel for Defendant Banque Syz & Co.,
SA*

IT IS SO ORDERED.